

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Anthony L. Mann,) Civil Action No. 0:11-cv-2232-RMG
)
Plaintiff,)
v.)
)
Lt. C Failey, Maj. Sheronda Sutton, Warden)
Robert Stevenson, III; Ass Warden Larry)
Cartledge; Ass. Warden John Barkley; Inv)
David Hurt, Valerie Whitaker, Classification)
Mngr Macon, Donald Sampson, M.D.; Robyn)
Elergy; E. Keitt, James Harris, III; Capt Percy)
Jones, Capt. Wilson, Lt Willie Simmons, Lt. T.)
Johnson; Sgt. Belue; Sgt. Young, Sgt. Herman)
Wright; Sgt. Keith Moore; Cpl. Otis Daniels,)
Cpl. Vincent Manley; Cpl. Smalls, Cpl. Ray,)
Ofc Murray; Ofc. McNeal; Ofc. Cox, Christian)
Manganelli, C. Cook,)
)
Defendants.)
)

ORDER

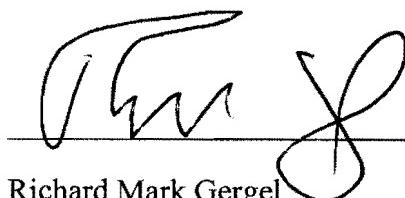
In this action, Plaintiff, who is proceeding *pro se* and *in forma pauperis*, is seeking monetary damages pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC, this action was referred to the United States Magistrate Judge for all pretrial proceedings. On December 8, 2011, Defendants Sampson, McNeal, Moore, and Murray (the “Moving Defendants”) filed motions to dismiss based on Plaintiff’s failure to timely serve them pursuant to Federal Rule of Civil Procedure 4. (Dkt. Nos. 23-24). On March 27, 2012, the Magistrate Judge, for good cause shown, extended the time for Plaintiff to serve the Moving Defendants by sixty days¹ and ordered Defendants’ counsel to file with the Court, within fourteen days, either an Acceptance of Service for the Moving Defendants or, alternatively, a

¹ On May 29, 2012, the Magistrate Judge issued another order further extending this deadline until June 29, 2012, for good cause shown. (Dkt. No. 85).

document providing the United States Marshals Service with the last known addresses of the Moving Defendants. (Dkt. No. 57).

On April 10, 2012, Defendants' counsel filed an Acceptance of Service which indicates that she has accepted service on behalf of Defendants McNeal and Moore, with their consent. (Dkt. Nos. 63-64). Defendants' counsel then filed with the Court the last known addresses of Defendants Sampson and Murray with instructions to the United States Marshals Service to attempt service on those Defendants. (Dkt. Nos. 65, 75). On June 6, 2012, a return receipt was filed with the Court showing that Defendant Sampson was personally served by the United States Marshals Service on May 30, 2012. (Dkt. No. 90). Also on June 6, 2012, a return receipt was filed with the Court showing that the United States Marshals Service attempted to serve Defendant Murray at his last known address but that they were unable to locate Defendant Murray after a good faith search. (Dkt. No. 91). In light of the foregoing, the motion to dismiss filed by Defendant Sampson (Dkt. No. 23) is hereby denied as moot, and the motion to dismiss jointly filed by Defendants McNeal, Moore, and Murray (Dkt. No. 24) is denied as moot with regard to Defendants McNeal and Moore and granted as to Defendant Murray. Accordingly, Plaintiff's Complaint is dismissed without prejudice as to his claims against Defendant Murray.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

June 25, 2012
Charleston, South Carolina